

UNITED STATES DISTRICT COURT  
IN THE EASTERN DISTRICT OF MICHIGAN -- SOUTHERN DIVISION

IAN LYNGLIP,  
Plaintiff

-vs-

Case No. 2:10-CV-12592  
Hon. Paul D. Borman  
Magistrate Judge: Virginia M. Morgan

LEGAL HELPERS DEBT RESOLUTION, LLC,  
LEGAL HELPERS, P.C. ,  
MACEY ALEMAN HYSLIP & SEARNS ,  
Defendants.

**MOTION TO EXTEND PERIOD FOR SERVICE**  
**AND TO ALLOW ALTERNATE SERVICE**

Despite its reasonable efforts, Plaintiff has failed to obtain personal service on Defendant Macey, Aleman, Hyslip & Searns. Accordingly, Plaintiff brings this motion to extend the period for service and to allow alternate service, for the reasons set forth in the attached brief.

Respectfully Submitted,

By: s/ Julie A. Petrik P47131  
LYNGKLIP & ASSOCIATES  
CONSUMER LAW CENTER, PLC  
Attorney For Ian Lyngklip  
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(248) 208-8864  
JuliePetrik@Att.Net

Dated: October 28, 2010

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IN THE EASTERN DISTRICT OF MICHIGAN -- SOUTHERN DIVISION

IAN LYNGKLIP,  
Plaintiff

-vs-

Case No. 2:10-CV-12592  
Hon. Paul D. Borman  
Magistrate Judge: Virginia M. Morgan

LEGAL HELPERS DEBT RESOLUTION, LLC,  
LEGAL HELPERS, P.C. ,  
MACEY ALEMAN HYSLIP & SEARNS ,  
Defendants.

**BRIEF IN SUPPORT OF MOTION TO EXTEND PERIOD FOR SERVICE  
AND TO ALLOW ALTERNATE SERVICE**

This case was filed on June 30, 2010. The summons for Defendant law firm Macey, Aleman, Hyslip & Searns, ("Macey") expires today. However, Plaintiff has failed to serve Macey despite its reasonable efforts to effect process.

On October 27, 2010, process server Jonathan Dixon made two separate attempts at service at the law offices of Macey (Affidavit of Dixon attached as Exhibit A). The Macey law offices are located in the Sears Tower which is a secured building. Access to the Macey law office is not permitted without a grant by Macey transmitted through personnel at the security desk. On the first attempt, Mr. Dixon was not permitted to the Macey office and was informed that none of the attorneys were available (*Id.*). On the second attempt, the receptionist at the Macey law office notified the security guard to deny access to their office at that they would not accept service (*Id.*).

Plaintiff has successfully served the other two Defendants in the case and the case is proceeding against them. Specifically, service was directed to Thomas Macey for Legal Helpers Debt Resolution, LLC ("LHDR")(Docket 7) and directed to Jeffrey Hyslip of Legal Helpers, PC

(Docket 8). LHDR appears to be wholly operated by the Macey law office or an entity strongly associated with Macey. (Exhibit B). Importantly, the Defendant Macey law office received actual notice of this lawsuit through service on these two principals (Hyslip and Macey) of the other two Defendants, who are also principals in the Macey law firm.

The time limit for service must be extended upon a showing by the Plaintiff of good cause for the failure to serve within the 120 day time period. Fed. R. Civ. P. 4(m). Plaintiff has shown good cause. It attempted service within the time period, the Defendant is located in a secured building and it refused to grant access and to accept service. Simply put, Defendant Macey law firm is evading service.

Under Fed. R. Civ. P. 4(e) and (h), service may be effected by any means permitted under the state law where this Court is located, in this case, as allowed under the Michigan Court Rules. The Michigan rules permit alternate service where process cannot be reasonably made as provided by the rules. MCR 2.105. The request for alternate service is to be made by a verified motion which sets forth the defendant's address. MCR 2.105(I). Those requirements are met by the following statements:

- a. Service of Process upon Macey, Aleman, Hyslip & Searns, cannot reasonably be made as otherwise provided in MCR 2.105 as shown by the attached verification of the process server (Exhibit A).
- b. Defendant's business address is 233 S. Wacker Drive, Suite 5150, Chicago, IL 60606.
- c. I believe that the business address set forth above is correct and current.

The Michigan rules permit service by any other means reasonably calculated to give defendants actual notice of the proceedings and an opportunity to be heard MCR 2.105(I)(1). Plaintiff requests service upon Macey by regular mail at its business address set forth above and hand delivery to security desk at the Sears Building: 233 S. Wacker Drive, Chicago, IL 60606. These methods are

reasonably calculated to provide actual notice of the proceedings.

In sum, Plaintiff requests an extension of the period for service and an order allowing alternate service by means set forth herein.

Respectfully Submitted,

By: s/ Julie A. Petrik  
Julie A. Petrik P47131  
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Attorney For Ian Lyngklip  
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Southfield, MI 48075  
(248) 208-8864  
JuliePetrik@Att.Net

Dated: October 28, 2010

**Certificate of Service**

I hereby certify that on October 28, 2010, I electronically filed the foregoing paper with the Clerk of the Court and served this document on the following parties:

<u>Party</u>	<u>Manner Served</u>
Thomas Macey MACEY ALEMAN HYSLIP & SEARNS 233 S. Wacker Dr., Ste. 5150 Chicago, IL 60606	U.S. Mail
Jeffrey Hyslip MACEY ALEMAN HYSLIP & SEARNS 233 S. Wacker Dr., Ste. 5150 Chicago, IL 60606	U.S. Mail

Respectfully Submitted,

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Julie A. Petrik P47131  
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CONSUMER LAW CENTER, PLC  
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